

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.59647-M of 2005

DATE OF DECISION:22.11.2006

Davener Paul Singh Jhooty & Anr Petitioners

Versus

State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri SS Narula, Advocate
for the petitioners.

Shri N.S. Gill, AAG, Punjab.

The petitioners, who are the accused in case FIR No. 280 dated 11.6.2003 under Sections 376,406,420,498-A and 120-B IPC, registered at Police Station Civil Line (Division No.5), Ludhiana, have filed this petition under Section 482 Cr.P.C. for quashing of order dated 20.1.2005 passed by Additional Chief Judicial Magistrate, Ludhiana, whereby, they have been declared proclaimed offender.

The petitioners have challenged the said order on the ground that they are not properly served as they were residing in Canada and still they are residing there. They have filed this petition through their GPA.

After arguing the case for some time, counsel for the petitioners states that the petitioners are ready to appear before the Investigation Officer and the concerned Court within a period to be given by this Court and furnish their bail bonds.

Counsel for the respondent-State states that in case the petitioners are ready to appear before the Investigating Officer and the Court then this Court may consider the prayer of the petitioners for grant of bail.

In view of this factual position, this petition is dismissed as withdrawn with a liberty that in case the petitioners appears before the Investigating Officer by 15.1.2007, they will be released on bail subject to following terms and conditions:-

- i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;
- (ii) that the petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the previous permission of the Court.

Subsequently, after completion of the investigation, prosecution will submit the supplementary report before the concerned Court.

This bail order shall remain in operation till the investigation culminates into filing of the supplementary report. Thereafter, except for material change in the circumstances, the petitioner shall be entitled for the grant of regular bail by the trial Court on the terms and conditions to be imposed by the said court.

November 22, 2006
pooja

(SATISH KUMAR MITTAL)
JUDGE